IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 337 OF 2007
IN
CRIMINAL APPEAL NO. 1127 OF 2004

Liyakat Ali M. Shah ..Applicant
(Ori.Accused No.1)

versus

State of Maharashtra ..Respondents

Mr. Arfan Sait, Advocate Appointed for the Applicant - Original Accused No.1.

Dr. F. R. Shaikh, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
SMT. NISHITA MHATRE, JJ.

DATE : 25TH APRIL, 2007.

P.C.

1. Heard.

2. This is an application for bail. We had earlier expressed that we would like to hear the Appeal on merits. We also called for muddemal i.e. the weapon used. However, the Sessions Judge has informed that muddemal is destroyed, as such unless we hear the matter on merits, the appeal cannot be decided. Therefore, we have decided to consider the prayer for bail.

3. It is true that the accused is convicted under Section 302 of the IPC but only one single blow was inflicted by him. He is in custody from the date of offence i.e. 9.4.1998 i.e. for last more than nine years, and, therefore, considering this aspect only, we propose to release him on bail temporarily for the time being for a period of six months from the date of his release.

4. The applicant - accused be released on his P.R. bond of Rs.10,000/- (Rupees Ten Thousand) with one solvent surety in the like amount, for a period of six months from the date of his release. He will attend the Sakinaka Police Station once in a fortnight till this period. He will not try to contact any of the prosecution witnesses or influence or coerce them. Sakinaka Police Station will submit their report to this court about the compliance of the conditions by the applicant - accused during this period of six months. Then the court will decide whether to continue the bail granted to him till the disposal of the Appeal. Application disposed of accordingly.

5. Copy of this order be sent to the accused in the jail, immediately.

(SMT. NISHITA MHATRE, J.) (D.G. DESHPANDE, J.)